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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/721,035	11/21/2003	Helen T. Pham	PHA.001.P	5030
26990	7590	10/04/2005	EXAMINER	
DAVID B. WALLER & ASSOCIATES			CANFIELD, ROBERT	
5677 OBERLIN DRIVE			ART UNIT	
SUITE 214			PAPER NUMBER	
SAN DIEGO, CA 92121			3635	

DATE MAILED: 10/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.	Applicant(s)	
	10/721,035	PHAM, HELEN T.	
	Examiner	Art Unit	
	Robert J. Canfield	3635	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Robert J. Canfield. (3) ____.
- (2) Davis Waller. (4) ____.

Date of Interview: 27 September 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.
If Yes, brief description: Proposed amendment faxed (attached).

Claim(s) discussed: 1-14.

Identification of prior art discussed: Peery 2,543,597.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner stated proposed amendment to claim 1 appeared to distinguish from the Peery reference but it changed the scope of the claim so as to raise new issues that would require further consideration of the other references of record and would NOT be entered after Final Other proposed changes appeared to overcome all other objections raised in the Final rejection EXCEPT for the drawing objection. Examiner suggested filing an RCE.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Robert Canfield
Primary Examiner


Examiner's signature, if required

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

DAVID B. WALLER & ASSOCIATES

THE INTELLECTUAL PROPERTY MANAGEMENT GROUP

5677 OBERLIN DRIVE, SUITE 214, SAN DIEGO, CA 92121
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Facsimile Cover Sheet

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To: Robert J. Canfield

**Company: United States Patent and Trademark
Office**

Phone: 571.272.6840

Fax: ~~703.872.9306~~ 571 273 6840

From: David B. Waller M.S. J.D.

Company: David B. Waller & Associates

Phone: 858.457.2014

Fax: 858.457.2308

E-Mail: dbwipmg@sbcglobal.net

Date: 09/23/05

Pages: 3

(including this cover page)

Comments: Re: Patent Application Serial No.: 10/721,035

Dear Mr. Canfield,

Attached is a set of unofficial draft amended claims for your review. Please contact me at (858) 457-2014 at your earliest convenience.

Sincerely,



David B. Waller
President

proposed

DRAFT

DRAFT FOR DISCUSSION

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Express Mail No.:EV393145771US
Docket No.: PHA.001.P

CLAIMS AMENDMENTS

Please cancel claim 9 without prejudice and amend claims 1, 7, 10, 11, 13 and 14 as follows:

1. (currently amended) A sun shielding device to protect the head and neck of the user from the sun when lying prone on a relatively flat surface comprising: (a) a structural frame having a base support beam and two sides, wherein said two sides comprise a top support beam and a lower support beam, said top support beam and said lower support beam joined together at their ends by an adjustable angle hinge, wherein said sides are affixed to one another by said base support beam such that said sides are positioned parallel to each other and about 90 degrees to said base support beam, and wherein said top support beams may be adjusted independently of one another and ~~ex~~-said lower support beams may be adjusted independently of one another and (b) a cover means affixed between said top support beams, between said lower support beams and netting affixed between said top support beam and said lower support beam of each of said sides.
2. (original) The sun shielding device according to claim 1 wherein said sides are V-shaped.
3. (cancelled)
4. (cancelled)
5. (original) The sun shielding device according to claim 1 wherein said cover means is a flexible, minimum-light penetration material.
6. (cancelled)
7. (currently amended) The sun shielding device according to claim 1 wherein said base support beam further comprises

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Appears to overcome PERRY 1597 As well as objections & rejections of prior art changes scope would have to reconsider vs other refs

Drawings objections would remain (claim 13) suggest ECF

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Express Mail No.:EV393145771US
Docket No.: PHA.001.P

an anchor means to prevent said sun shield from moving after being positioned in place.

8. (cancelled)
9. (cancelled)
10. (currently amended) The sun shielding device according to claim 7 wherein said anchor means is at least one stake extending from the base support beam for driving into said relatively flat surface to position said sun shielding device in place for use.
11. (currently amended) The sun shielding device according to claim 10 wherein said at least one stake is retractably affixed to said base support beam so that when retracted said stake fits flush against said base support beam.
12. (original) The sun shielding device according to claim 1 further comprising a head and neck rest.
13. (currently amended) The sun shielding device according to claim 12 wherein said head and neck rest is removably affixed to said sun shielding device.
14. (currently amended) The sun shielding device according to claim 12 wherein said head and neck rest is inflatable.

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